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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/893,373	06/26/2001	Bret P. O'Rourke	MS1-575US	1692
22801	7590	09/09/2004	EXAMINER	
LEE & HAYES PLLC 421 W RIVERSIDE AVENUE SUITE 500 SPOKANE, WA 99201			NAMAZI, MEHDI	
			ART UNIT	PAPER NUMBER
			2188	

DATE MAILED: 09/09/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/893,373

Applicant(s)

O'ROURKE ET AL.

Examiner

Mehdi Namazi

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

**A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.**

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 26 June 2001.  
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-25 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1-25 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☒ The drawing(s) filed on 26 June 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 10.  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.  
5) ☐ Notice of Informal Patent Application (PTO-152)  
6) ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

1. This office action is in response to application filed June 26, 2001.
2. The present Office Action is a Non-Final Action taken in reference to prosecution of the instant application, which presents claims 1-25 for examination. Applicant is reminded that each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in 37 C.F.R. 1.56.

Please note that the petition filed under 37 C.F.R. 1.47(a) to consider the declaration filed on June 26, 2001 has been dismissed and an explanation for dismissal was mailed July 9, 2002. If a copy the dismissal document is requested, please make the request and it will be provided.

### ***Specification***

3. The specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification, the drawings or the claims.

### ***Claim Objections***

4. Claims 11-14, and 18 are objected to because of the following informalities:

As per claims 11, and 18, lines 8, and 1-2 respectively "redirecting the client" should be replace with --redirecting the request for media from the client--. Appropriate correction is required.

Claims 12-14 are objected as being dependent upon an independent objected claim.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-25 are rejected under 35 U.S.C. 102(b) as being anticipated by US 5,991,306 (Burns et al).

As per claim 1, Burns teaches an apparatus (**Fig. 2 & Fig. 6**) comprising: a media serving engine to distribute media content [**(content server or web server 52 which stores and serves multimedia data over a distribution network 54) (col. 5, lines 64-66))**]; a cache engine coupled to the media serving engine, the cache engine to cache media content (**independent service provider (ISP) having a cache server connected to the distribution network 54 with a network connection 64; see fig. 2**); and a set of cache policies accessible by the cache engine to define operation of the cache engine (**including a policy manager 128 which defines and administers rules that determine how and which documents or resources are cached [Col. 10, Lines 48-61]; Rules or protocol or policies that the browser follows to supply the documents) [Col. 8, Lines 15-18]**).

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As per claim 2, Burns teaches the apparatus configured to operate as a cache server and an origin server (***the independent service provider (ISP) having a cache server 72 and a continuous media server (CMS) 74 with the ISP being configured as a conventional database server*** (i.e., local service providing server) [***Col. 6, Lines 56-60***] or as ***point of presence (POP) server*** (i.e., intermediate between subscribers 58 & 60 and network 54) [***Col. 6, Lines 35-45***].

As per claim 3, Burns teaches the apparatus wherein the cache engine is configured to distribute cached media content to a plurality of clients (***the cache server 72 caching Internet resources for downloading to subscriber computers 58, 60***) [***Col. 6, Lines 61-65; Col. 4, Lines 48-50***].

As per claim 4, burns teaches the apparatus includes a data communication interface coupled to the cache engine and the media serving engine (***network connection 64 interfacing the ISP to distribution network 54, with the ISP serving as an intermediary between the subscribers 58, 60 to the network 54*** [***Col. 6, Lines 35-46***]).

As per claim 5, Burns teaches the apparatus including a data communication interface coupled to allow the cache engine to retrieve media content from an origin server (***content server 52***) across a network (***network connection 64 interfacing the ISP to distribution network 54, with the ISP serving as an intermediary between the subscribers 58, 60 to the network 54*** [***Col. 6, Lines 35-46***]).

As per claim 6, Burns teaches the apparatus including a communication interface coupled to allow the media serving engine to distribute media content across a network

***(network connection 64 interfacing the ISP to distribution network 54, with the ISP serving as an intermediary between the subscribers 58, 60 to the network 54 [Col. 6, Lines 35-46]).***

As per claim 7, Burns teaches the apparatus being a Windows Media Server ***(example of Microsoft Windows, WEB based server) Col. 8, Lines 7-15].***

As per claims 8, 16, and 22, Burns teaches the apparatus wherein the cache policies include policies for distributing media content from the apparatus ***(Rules or protocol or policies that define how and what documents to supply) [Col. 8, Lines 15-18; Col. 6, Lines 18-19].***

As per claim 9, Burns teaches the apparatus wherein the cache policies include policies for handling cache misses ***(protocols to communicate the request to appropriate content server if cache miss the ISP) [Col. 8, lines 33-40; Col. 7, Line 61 to Col. 8, Line 4].***

As per claim 10, Burns teaches the apparatus including policies for prefetching media content ***(rules or policies including downloading prior to peak time) [Col. 7, Lines 47-65; Col. 10, Lines 42-47].***

As per claims 11, 14, 20, and 21, Burns the apparatus implementing method executed by one or more processors ***(processing control unit in ISP (independent service provider) 56, Fig. 2)*** to cause the one or more processors to: receive a request for media content from a client ***(receiving requests for media content by the ISP)***, wherein the request is received by a cache server ***(the independent service provider (ISP) having a cache server 72 and a continuous media server (CMS) 74)***

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containing a plurality of cache policies (***Rules or protocol or policies that define how and what documents to supply***) [***Col. 8, Lines 15-18; Col. 6, Lines 18-19***]; determining whether the requested media content is stored by the cache server (***first looking into own cache to determine if proxy copy is stored locally***) [***Col. 8, Lines 23-26***]; provide the requested media content to the client if the requested media content is stored by the cache server (***if stored locally, locally serving target resource***) [***Col. 8, Lines 31-33***]; and redirect the client to an origin server containing the requested media content if the requested media content is not stored by the cache server (***communicating the request to appropriate content server if request misses locally***) [***Col. 8, lines 33-40; Col. 7, Line 61 to Col. 8, Line 4***].

As per claims 15, Burns teaches a method comprising: receiving a request for media content from a client (***receiving requests for media content by the ISP (independent service provider) 56, Fig. 2***), wherein the request is received by a cache server capable of functioning as an origin server and a cache server (***the independent service provider (ISP) having a cache server 72 and a continuous media server (CMS) 74 with the ISP being configured as a conventional database server*** (i.e., local service providing server) [***Col. 6, Lines 56-60***] ***or as point of presence (POP) server*** (i.e., intermediate between subscribers 58 & 60 and network 54) [***Col. 6, Lines 35-45***]; processing the request for media content according to a set of cache policies (***Rules or protocol or policies that define how and what documents to supply***) [***Col. 8, Lines 15-18; Col. 6, Lines 18-19***] in the cache server if the cache server is functioning as a cache server (***if stored locally, locally serving target resource***) [***Col.***

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**8, Lines 31-33]);** and providing the requested media content to the client if the cache server is functioning as an origin server (**communicating the request to appropriate content server if request misses locally**) [Col. 8, lines 33-40; Col. 7, Line 61 to Col. 8, Line 4] and the cache server contains the requested media content (**caching the requested media content** [Col. 7, Lines 61 to Col. 8, Line 4]).

As per claims 12, Burns teaches the method wherein handling of the received request for media content includes accessing a set of cache policies (**Rules or protocol or policies that define how and what documents to supply**) [Col. 8, Lines 15-18; Col. 6, Lines 18-19].

As per claim 13, Burns teaches the method including determining whether the media server receiving the request for media content is functioning as a cache server or an origin server (**the independent service provider (ISP) being configured as a conventional database server** (i.e., local service providing server) [Col. 6, Lines 56-60] **or as point of presence (POP) server** (i.e., intermediate between subscribers 58 & 60 and network 54) [Col. 6, Lines 35-45].

As per claims 17 and 23, Burns teaches the method wherein the set of cache policies includes policies for storing media content on the cache server (**Rules or protocol or policies that define how and what documents to supply**) [Col. 8, Lines 15-18; Col. 6, Lines 18-19].

As per claims 18 and 24, Burns teaches the method including redirecting the client to an origin server if the cache server is functioning as an origin server and the cache server does not contain the requested media content (**if stored locally, locally**



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***serving target resource and communicating the request to appropriate content server if request misses locally) [Col. 8, lines 31-40; Col. 7, Line 61 to Col. 8, Line 4].***

As per claims 19 and 25, Burns teaches the method including downloading the requested media content from an origin server if the cache server is functioning as an origin server and the cache server does not contain the requested media content ***(communicating the request to appropriate content server if request misses locally) [Col. 8, lines 33-40; Col. 7, Line 61 to Col. 8, Line 4].***


#### ***Conclusion***

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mehdi Namazi whose telephone number is 703-306-2758. The examiner can normally be reached on Monday-Friday 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mano Padmanabhan can be reached on 703-306-2903. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Mehdi Namazi  
Patent Examiner  
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September 7, 2004